

REQUESTS MADE THROUGH THE MARYLAND PUBLIC INFORMATION ACT

The Maryland Public Information Act (PIA) guarantees individuals or governmental units permission to inspect public records at any reasonable time, except as otherwise provided by law. Public records are originals or copies of any documentary material that is made by a unit of State government or received by a unit of State government in connection with the transaction of public business¹. This includes bid tabulations, registers of proposals, ADPICS records and contracts including bid pages and most technical proposal documents. Except for rare occasions, requests for documents under the PIA are for either the winning technical and financial proposals or all technical and financial proposals submitted in response to a Request for Proposals (RFP). Department of Health and Mental Hygiene (DHMH) regulations provide guidelines for filing requests for inspection and copying of records under the Maryland Public Information Act at COMAR 10.01.08².

I. Requests

Requests for access to contract files must be written, unless the custodian³ chooses to waive requirement for a written request, and must include:

- a. The name and address of the person or entity requesting access;
- b. the contract or solicitation number and title or ;
- c. description of the document.

¹ See Annotated Code of Maryland, State Government Article, § 10-613(a) and §10-611(g). To view the complete text, go to the Maryland Archives on the Internet at:
<http://mdarchives.state.md.us/msa/mdmanual/html/mmtoc.html>.

² All Code of Maryland Regulations are cited in the order of Title, Subtitle, Chapter, Subchapter, and Paragraph. Thus, the cite for COMAR Title 10 (Department of Health and Mental Hygiene), Subtitle 01 (Procedures), Chapter 08 (Filing Requests For Inspection And Copying Of Records Under The Maryland Public Information Act), would be made COMAR 10.01.08. To see the complete text of this or any regulation, go to the Division of State Documents website and click on COMAR On-line at:
<http://www.dsd.state.md.us>.

³ Custodian means the “official custodian” or any other authorized individual who has physical custody and control of a public record.

II. Response

Upon receipt of a proper request for access to a contract, the appropriate individual will respond, advising the requestor that:

- a. The individual does not have custody of the document but will forward the request to the custodian of the record; or
- b. The contract document requested does not, or no longer exists; this will be done promptly after an unsuccessful search for the document but not more than 30 days⁴ after receipt of the request; or
- c. The individual will make the document available, when it will probably become available, the reason for any delay in making it available and the estimated cost of reproducing the document if applicable (see COMAR 10.01.08.14); this will be done promptly, but not more than 30 days following receipt of the request. If a reproduction cost is involved, the individual responding to the request must obtain agreement from the requestor to remit the cost.

Requestor will be notified immediately once the record is available.

⁴ Unless otherwise stated in the text, day means calendar day.